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REMARKS

This is a full and timely response to the outstanding final Office Action mailed September 7, 2005. Reconsideration and allowance of the application and presently pending claims 1-4, 7-18, 21-24 and 26-29, as amended, are respectfully requested.

1. Response to Rejection of Claims 1-4, 7-18, 21-24, and 26-29 Under 35 U.S.C. §103(a)

In the Office Action, claims 1-4, 7-18, 21-24, and 26-29 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by *Middleton* (U.S. Pub. No. 2004/0259590) in view of *Sawano* (U.S. Patent No. 6,677,967). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully traverses this rejection.

a. Claims 1-4 and 7-8

As provided in independent claim 1, Applicant claims:

A digital camera, comprising:

an image playback system that presents a representation of an image, wherein magnification logic responsive to a user preferred magnification step is applied to image information used to generate the representation;

a magnification control including a zoom in switch and a zoom out switch to effect respective zoom in and zoom out operations on the representation;

a position control including an up switch, a down switch, a left switch, and a right switch to effect respective up, down, left, and right pan operations on the representation; and

logic for identifying that portion of the image information responsible for the representation, wherein the logic is responsive to a transfer control and automatically presents visible indicia on an unmodified representation to demark a select portion of the image information that is transferred as modified image information.

(Emphasis added).

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Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Middleton* in view of *Sawano* does not disclose, teach, or suggest the feature of "logic for identifying that portion of the image information responsible for the representation, wherein the logic is responsive to a transfer control and presents visible indicia on an unmodified representation to demark a select portion of the image information that is transferred as modified image information," as recited in claim 1.

For example, *Middleton* apparently discloses at most a camera phone system that allows a user to review a captured image using zoom controls. In particular, *Middleton* states that in "image review mode, the zoom control controls the magnification of the image displayed on the display 140." Further, *Middleton* states that in "an image review mode, the user may hold the camera phone 100 in his or her palm to review stored images." Para. 0024. However, *Middleton* fails to teach or suggest at least the feature of transferring a modified image information, as described in claim 1. Particularly, *Middleton* clearly states that the camera phone 100 may "send a captured image via communication circuit 120 . . . without leaving the camera mode." Para. 0026. As such, *Middleton* does not teach or suggest transferring a select portion of image information that is transferred as modified image information, as described in claim 1.

Further, *Sawano* fails to remedy the deficiencies of the *Middleton* reference by not teaching or suggesting at least the feature of "a select portion of the image information that is transferred as modified image information," as recited in claim 1. In addition, *Sawano* is also inadequate to remedy the deficiencies of the *Middleton* reference with respect to the feature of "automatically present[ing] visible indicia on an unmodified representation to demark a select portion of the image information," as recited in claim 1.

In particular, *Sawano* fails to teach or suggest automatically presenting visible indicia on an unmodified representation of image information to demark a portion of the image that is responsible for the representation generated using magnification logic, as described in claim 1. For example, *Sawano* appears to disclose a box specifying an area to be cut from an image where "the user can change the size and dimensions of the displayed box in arbitrary ways," and does not teach or suggest that the box corresponds to a representation from magnification logic. See col. 9, lines 1-6. This is acknowledged in the Office Action where it states that "Sawano teaches a

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program for creating an editing an image (3:11-24), where the user can select a region (8:65-9:25) and edit the portions of the cutout region or otherwise manipulate the marker box."

Also, with respect to other mentioned art, such as Microsoft Paint and *Masera* (U.S. Pub. No. 2003/0103247), they also involve a user manually tracing a box (or other shape) around a portion of an image and does not disclose automatically presenting visual indicia to demark a portion of the image that is responsible for the representation generated using magnification logic, as described in claim 1.

Accordingly, the proposed combination of *Middleton* in view of *Sawano* does not teach at least the above-recited feature of claim 1. Therefore, a *prima facie* case establishing an obviousness rejection by *Middleton* in view of *Sawano* has not been made. Thus, claim 1 and claims 2-4 and 7-8 (which depend from claim 1) are not obvious under the proposed combination and the rejections should be withdrawn.

b. Claims 9-13

As provided in independent claim 9, Applicant claims:

A method for editing image information with a digital camera, comprising:

- identifying image information;
- generating a representation of the image information;
- magnifying the representation using a discrete magnification step proximal to a midpoint of the digital camera's range for digitally magnifying the image information to produce a modified representation of the image information;***
- presenting the modified representation of the image information;
- controllably magnifying the modified representation responsive to a magnification control associated with the digital camera;
- controllably panning across the modified representation such that preferred subject matter is observable in a desired representation;
- identifying that portion of the image information responsible for the modified representation; and***
- automatically presenting at least one visible indicia on an unmodified representation to demark the portion of the image information identified in the identifying step.***

(Emphasis added).

Applicant respectfully submits that independent claim 9 is allowable for at least the reason that *Middleton* in view of *Sawano* does not disclose, teach, or suggest the

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feature of "magnifying the representation using a discrete magnification step proximal to a midpoint of the digital camera's range for digitally magnifying the image information to produce a modified representation of the image information," "identifying that portion of the image information responsible for the modified representation," and "automatically presenting at least one visible indicia on an unmodified representation to demark the portion of the image information identified in the identifying step," as recited in claim 9.

As previously mentioned, *Sawano* is inadequate to remedy the deficiencies of the *Middleton* reference with respect to the feature of "automatically presenting at least one visible indicia on an unmodified representation to demark the portion of the image information identified in the identifying step," where the identified portion is responsible for the modified representation and the modified representation is produced by a magnification operation, as described in claim 9. For example, *Sawano* appears to disclose a box specifying an area to be cut from an image where "the user can change the size and dimensions of the displayed box in arbitrary ways," and does not teach or suggest that the box corresponds to a representation produced from a magnification operation. *See* col. 9, lines 1-6.

Accordingly, the proposed combination of *Middleton* in view of *Sawano* does not teach at least the above-recited feature of claim 9. Therefore, a *prima facie* case establishing an obviousness rejection by *Middleton* in view of *Sawano* has not been made. Thus, claim 9 and claims 10-13 (which depend from claim 9) are not obvious under the proposed combination and the rejections should be withdrawn.

In addition, with respect to claim 10, *Middleton* in view of *Sawano* fails to teach or suggest "transferring that portion of the image information corresponding to the desired representation," as mentioned previously with regard to the discussion of claim 1. For at least this additional reason, claim 10 should be allowed.

Further, with respect to claim 13, *Middleton* clearly discloses that the camera mode may include both an "image capture mode, where camera phone 100 captures, displays, and/or stores external images" and an "image review mode," where camera phone 100 retrieves, displays, sends/uploads, and/or manipulates stored images." Para. 0018. (Emphasis added). Further, in "image review mode," the zoom control controls the magnification of the image displayed on the display 140." Para. 0019. Thus, *Middleton* in view of *Sawano* fails to teach or suggest "enabling the image

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acquisition system to acquire image information responsive to light incident on an image sensor substantially concurrently with any one of the identifying, generating, magnifying, panning, and transferring steps," since *Middleton* does not disclose that an image may be acquired during image review mode and *Sawano* does not remedy the deficiencies of the *Middleton* reference. For at least these additional reasons, claim 13 should be allowed.

c. Claims 14-18 and 21

Applicant respectfully submits that independent claim 14 is allowable for at least the reason that *Middleton* in view of *Sawano* does not disclose, teach, or suggest the features of "panning across the second magnified representation, when desired, such that preferred subject matter is observable in a desired representation; identifying that portion of the image information responsible for the desired representation; and automatically presenting at least one visible indicia on the unmodified representation to demark the portion of the image information identified in the identifying step," as recited in claim 14.

As previously mentioned with regard to claim 9, *Sawano* fails to teach or suggest automatically presenting visible indicia on an unmodified representation to demark a portion of the image information, where that is responsible for the representation generated using a magnification operation. *Middleton* is legally inadequate to remedy the deficiencies of the *Sawano* reference in this respect.

Accordingly, the proposed combination of *Middleton* in view of *Sawano* does not teach at least the above-recited feature of claim 14. Therefore, a *prima facie* case establishing an obviousness rejection by *Middleton* in view of *Sawano* has not been made. Thus, claim 14 and claims 15-18 & 21 (which depend from claim 14) are not obvious under the proposed combination and the rejections should be withdrawn.

In addition, with respect to claim 15, *Middleton* in view of *Sawano* fails to teach or suggest "transferring that portion of the image information corresponding to the desired representation," as mentioned previously with regard to claim 1. For at least this additional reason, claim 15 should be allowed.

Further, with respect to claim 21, *Middleton* clearly discloses that the camera mode may include both an "image capture mode, where camera phone 100 captures, displays, and/or stores external images" and an "image review mode," where camera

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phone 100 retrieves, displays, sends/uploads, and/or manipulates stored images." Para. 0018. (Emphasis added). Further, in "image review mode," the zoom control controls the magnification of the image displayed on the display 140." Para. 0019. Thus, *Middleton* in view of *Sawano* fails to teach or suggest "logic for acquiring information is accessible and executable concurrently with logic for indexing, presenting, panning, and transferring image information," since *Middleton* does not disclose that an image may be acquired during image review mode and *Sawano* does not remedy the deficiencies of the *Middleton* reference. For at least these additional reasons, claim 21 should be allowed.

d. Claims 22-24 and 26-29

Applicant respectfully submits that independent claim 22 is allowable for at least the reason that *Middleton* in view of *Sawano* does not disclose, teach, or suggest the features of "means for identifying that portion of the image information responsible for the representation," "means for presenting at least one visible indicia on an unmodified representation to demark the portion of the image information identified by the means for identifying," "wherein the user preferred initial magnification step is applied to image information to generate the representation," as recited in claim 22.

As previously mentioned with regard to claim 9, *Sawano* fails to teach or suggest automatically presenting visible indicia on an unmodified representation to demark a portion of the image information, where that is responsible for the representation generated using a magnification operation. *Middleton* is legally inadequate to remedy the deficiencies of the *Sawano* reference in this respect.

Accordingly, the proposed combination of *Middleton* in view of *Sawano* does not teach at least the above-recited feature of claim 22. Therefore, a *prima facie* case establishing an obviousness rejection by *Middleton* in view of *Sawano* has not been made. Thus, claim 22 and claims 23-24 & 26-29 (which depend from claim 22) are not obvious under the proposed combination and the rejections should be withdrawn.

In addition, with respect to claim 23, *Middleton* in view of *Sawano* fails to teach or suggest "means for effecting a transfer of the image information associated with the representation as modified by the means for effecting zoom in and zoom out operations," as generally mentioned previously with regard to claim 1. For at least this additional reason, claim 23 should be allowed.

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Further, with respect to claim 29, *Middleton* clearly discloses that the camera mode may include both an "image capture mode, where camera phone 100 captures, displays, and/or stores external images" and an "image review mode," where camera phone 100 retrieves, displays, sends/uploads, and/or manipulates stored images." Para. 0018. (Emphasis added). Further, in "image review mode," the zoom control controls the magnification of the image displayed on the display 140." Para. 0019. Thus, *Middleton* in view of *Sawano* fails to teach or suggest "means for triggering the means for acquiring image information such that the means for acquiring indexes image information responsive to light incident upon an image sensor while the means for presenting is active," since *Middleton* does not disclose that an image may be acquired during image review mode and *Sawano* does not remedy the deficiencies of the *Middleton* reference. For at least these additional reasons, claim 29 should be allowed.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


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